

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NIARA BURTON a/k/a	:	<b>1:19-CV-01574</b>
HERMAN BURTON,	:	
	:	
Plaintiff,	:	
	:	
v.	:	(Magistrate Judge Schwab)
	:	
SECRETARY JOHN WETZEL, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**ORDER**

April 15, 2021

For the reasons set forth in the Memorandum Opinion filed concurrently with this Order, **IT IS ORDERED** that the defendants' partial motion (*doc. 70*) to dismiss is **DENIED**. **IT IS FURTHER ORDERED** that the claims against the defendants in their official capacities are dismissed; defendant Wetzel is dismissed from this action; and Burton's Eighth Amendment and due process claims are dismissed.

**S/Susan E. Schwab**  
Susan E. Schwab  
United States Magistrate Judge